

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

841A0685

HOUSE BILL NO. 1170

Introduced by: Representatives Cutler, Schaunaman, and Sperry and Senators Dennert and Lawler

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding shoplifting.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 22-30A-19.1 be amended to read as follows:

4 22-30A-19.1. Any adult or emancipated minor as defined in § 25-5-24 or the parents or
5 guardian of any unemancipated minor who takes possession of any goods, wares, or merchandise
6 displayed or offered for sale by the store or other mercantile establishment without the consent
7 of the owner or seller and with the intention of converting the goods to the person's own use
8 without having paid the purchase price is liable to the owner or seller for the retail value of the
9 merchandise, regardless of whether the merchandise has been recovered in undamaged condition
10 by the merchant. In addition, the merchant is entitled to a penalty of ~~three~~ four times the retail
11 value of the merchandise, or ~~fifty~~ one hundred dollars, whichever is greater.

12 Section 2. That § 22-30A-19.4 be amended to read as follows:

13 22-30A-19.4. If the person to whom a written demand is made under § 22-30A-19.3
14 complies ~~with~~ by making full payment of the amount required by the written demand within thirty
15 days after its receipt, that person incurs no further civil liability to the merchant. However, if the

- 1 person to whom a written demand is made fails to ~~respond~~ make full payment pursuant to a that
- 2 written demand then the penalty allowed in § 22-30A-19.1 may be doubled.